

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Eric Rigie	Team: Squad #3	CCRB Case #: 201703215	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/25/2017 5:59 PM	Location of Incident: Hylan Boulevard and Seguine Avenue	Precinct: 123	18 Mo. SOL 10/25/2018	EO SOL 10/25/2018	
Date/Time CV Reported Wed, 04/26/2017 10:52 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 04/26/2017 10:52 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Johnny Alarcon	03078	951484	123 PCT
2. SGT Nikolaos Stefopoulos	04686	944294	NARCBSI

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nicholas Guarino	22917	962451	123 PCT
2. POM Vincent Casaletto	03183	956499	123 PCT
3. POF Jacqueline Rupelli	06701	959172	123 PCT
4. POM Gregory Beach	22411	962248	123 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos searched § 87(2)(b)	
C.POM Johnny Alarcon	Abuse: Police Officer Johnny Alarcon searched § 87(2)(b)	
D.SGT Nikolaos Stefopoulos	Abuse: Sergeant Nikolaos Stefopoulos searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	

## Case Summary

On April 26, 2017, § 87(2)(b) filed this complaint with the CCRB via phone.

On April 25, 2017, at approximately 5:59 p.m., § 87(2)(b) was sitting inside his car that was parked in a no-standing zone at the corner of Seguire Avenue and Hylan Boulevard in Staten Island. While parked, § 87(2)(b)'s friend, § 87(2)(b) got into § 87(2)(b)'s car and sat in the passenger seat. Sgt. Nikolaos Stefopoulos, of Narcotics Boro Staten Island, then stopped § 87(2)(b)'s vehicle (**Allegation A**). PO Nicholas Guarino and PO Gregory Beach, of the 123<sup>rd</sup> Precinct, were also inside Sgt. Stefopoulos's vehicle as part of their new officer training. Sgt. Stefopoulos approached § 87(2)(b)'s driver's side while PO Guarino and PO Beach observed from the back. Sgt. Stefopoulos obtained § 87(2)(b)'s license and registration and then returned to his vehicle and called for an additional unit. PO Johnny Alarcon and PO Vincent Casaletto, also of the 123<sup>rd</sup> Precinct, arrived on the scene in their unmarked vehicle. Sgt. Stefopoulos then returned to § 87(2)(b)'s driver's side while PO Alarcon approached the passenger side. Sgt. Stefopoulos instructed § 87(2)(b) to step out of the vehicle while PO Alarcon instructed § 87(2)(b) to do so. Sgt. Stefopoulos handcuffed and searched § 87(2)(b) while PO Alarcon handcuffed and searched § 87(2)(b) (**Allegations B and C**). § 87(2)(b) and § 87(2)(b) were escorted to the rear of § 87(2)(b)'s vehicle. Sgt. Stefopoulos and PO Alarcon then searched § 87(2)(b)'s vehicle under Sgt. Stefopoulos's direction (**Allegation D**). Sgt. Stefopoulos recovered two prescription pills that belonged to § 87(2)(b) § 87(2)(b) and § 87(2)(b) were placed under arrest and charged with § 87(2)(b) § 87(2)(b). They were transported to the 123<sup>rd</sup> Precinct stationhouse and subsequently released with DATs.

There was no video footage of this incident. This case was closed past 90 days due to delays in § 87(2)(b) appearing for an interview and difficulties scheduling Sgt. Stefopoulos.

## Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation § 87(2)(b)
- On August 24, 2017, a FOIL request to the Office of the Comptroller confirmed that § 87(2)(b) filed a Notice of Claim on § 87(2)(b), alleging a false arrest, illegal search, false charges, harassment, pain and suffering, and defamation of character. The Notice of Claim also alleges that in the confines of the 123<sup>rd</sup> Precinct, officers claimed they saw a drug transaction that never happened and that IAB was investigating. The FOIL request also confirmed that § 87(2)(b) filed no Notices of Claim for this incident (01 Board Review).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### Civilian and Officer CCRB Histories

- This is § 87(2)(b) and § 87(2)(b)'s first CCRB complaint (04 Board Review).
- Sgt. Stefopoulos has been a member of the NYPD for 10 years and has been involved in 14 other CCRB complaints involving 49 allegations, including six substantiated allegations § 87(2)(b) § 87(4-b) § 87(2)(g). In CCRB# 201409178 Sgt. Stefopoulos received charges, but was subsequently found not guilty for, a force allegation, a threat of force allegation, and a discourtesy allegation. In CCRB# 201411079, the CCRB recommended command discipline for a frisk allegation and a search allegation. The NYPD subsequently issued formalized training to Sgt. Stefopoulos. § 87(4-b) § 87(2)(g). In CCRB# 201608641, the CCRB recommended Command Discipline A for a stop allegation, which does not yet have a final NYPD disposition. § 87(4-b) § 87(2)(g). In CCRB# 201703824, which is under active investigation, Sgt. Stefopoulos faces allegations for an entry allegation, a search allegation, and a refusal to show a search warrant allegation. In addition to the substantiated allegations, Sgt. Stefopoulos has been the subject of two vehicle stop allegations, three vehicle search allegations, six search allegations, and three frisk allegations.
- PO Alarcon has been a member of the NYPD for five years and this is his first CCRB complaint.

### Potential Issues

- § 87(2)(b) did not wish to provide a verified statement.

### Findings and Recommendations

#### Explanation of Subject Officer Identification

- With regard to **Allegation C**, § 87(2)(b) alleged that Sgt. Stefopoulos searched him. However, § 87(2)(b) Sgt. Stefopoulos, and PO Alarcon said that PO Alarcon was on § 87(2)(b)'s side of the vehicle when he and § 87(2)(b) were asked to step out. Additionally, PO Alarcon acknowledged searching § 87(2)(b) and no officers recalled Sgt. Stefopoulos doing so. § 87(2)(g)
- With regard to **Allegation D**, although PO Alarcon acknowledged assisting Sgt. Stefopoulos in searching § 87(2)(b)'s vehicle, Sgt. Stefopoulos decided to search the vehicle and was the senior officer on scene. § 87(2)(g)

#### Allegations Not Pleaded

- § 87(2)(b) alleged that Sgt. Stefopoulos left a packet of documents on top of his vehicle in the rain and said that his registration and proof of insurance were missing. This

mishandling of property allegation was referred to OCD under OCD# § 87(2)(b) (07 Board Review).

- PO Alarcon acknowledged searching § 87(2)(b) and § 87(2)(b) at the 123<sup>rd</sup> Precinct stationhouse. However, it is not in dispute that these searches were conducted after § 87(2)(b) and § 87(2)(b) were under arrest. § 87(2)(g)
- § 87(2)(b) alleged in his original complaint that he was strip searched. During his CCRB interview, § 87(2)(b) said that during his custodial search inside the 123<sup>rd</sup> Precinct stationhouse, PO Alarcon instructed him to loosen his pants and pull out his waistband to demonstrate that he did not have a weapon. § 87(2)(b) was not sure whether his underwear was partially exposed when he did this. However, § 87(2)(b) and § 87(2)(b) said that PO Alarcon never instructed § 87(2)(b) to remove any clothing and § 87(2)(b) specifically said during his interview that he was not strip searched. § 87(2)(g)
- Sgt. Stefopoulos said that after § 87(2)(b) refused to exit his vehicle three or four times, he told § 87(2)(b) that if he did not exit, he would have to take him out of it. However, § 87(2)(b) and § 87(2)(b) never made this allegation and no other officers said they heard it. § 87(2)(g)

**Allegation A –Abuse of Authority: Sergeant Nikolaos Stefopoulos stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

§ 87(2)(b) acknowledged that he parked his vehicle in a no standing zone at the incident location for the purpose of picking up § 87(2)(b) who lived nearby. § 87(2)(b) said that when he parked, § 87(2)(b) knocked on his passenger side window. § 87(2)(b) then let § 87(2)(b) into his car. Within “less than a second,” before § 87(2)(b) could drive away, Sgt. Stefopoulos parked behind him and stopped him with emergency lights. Later, during the stop, § 87(2)(b) asked Sgt. Stefopoulos why he stopped him and Sgt. Stefopoulos said it was because he parked in a no standing zone. In his original complaint, § 87(2)(b) said he was waiting inside his parked car for § 87(2)(b) and that when § 87(2)(b) entered his car, they were immediately approached by officers who asked for § 87(2)(b) s license and registration (07 and 08 Board Review).

In his phone statement, § 87(2)(b) generally corroborated § 87(2)(b) s statement, but added that after he entered § 87(2)(b) s car, they sat their parked for a couple of minutes before Sgt. Stefopoulos stopped them (05 Board Review).

Sgt. Stefopoulos said that he observed § 87(2)(b) s car parked to his left in a no standing zone at a bus stop. Sgt. Stefopoulos observed this from the opposite side of the road while he was stopped in traffic waiting for a light to change. Sgt. Stefopoulos’s original intention was to issue § 87(2)(b) a moving summons for no standing. Within 10 seconds of this initial observation, Sgt. Stefopoulos observed § 87(2)(b) walk up to § 87(2)(b) s car. § 87(2)(b) then appeared to hand something to § 87(2)(b) through the open passenger side window. After performing this action, § 87(2)(b) noticed Sgt. Stefopoulos and alerted § 87(2)(b) with a head gesture. § 87(2)(b) then entered § 87(2)(b) s vehicle. Shortly afterward, the light changed and Sgt.

Stefopoulos performed a U-turn and stopped § 87(2)(b) with his emergency lights (09 Board Review).

PO Guarino and PO Beach both stated that they did not observe § 87(2)(b) parked in the no standing zone until after Sgt. Stefopoulos, conducted the stop, and explained his observations (10 and 11 Board Review).

A no standing zone means that no person shall stand or park a vehicle, whether occupied or not in the zone, but they may stop temporarily for the purpose of and while actually engaged in receiving or discharging passengers. NY State Vehicle and Traffic law section 1200 sub section B (12 Board Review).

It is undisputed that § 87(2)(b) parked in a no standing zone for the purpose of picking up § 87(2)(b). § 87(2)(b) said that § 87(2)(b) got into his vehicle as soon as he parked and Sgt. Stefopoulos stopped him “less than a second later.” However, § 87(2)(b) said that he and § 87(2)(b) sat inside the parked car for approximately two minutes prior to the stop. Sgt. Stefopoulos did not provide a specific time estimate for how long § 87(2)(b) was parked, but said that while he watched, § 87(2)(b) walked toward § 87(2)(b)’s car, handed something to § 87(2)(b), made § 87(2)(b) aware of Sgt. Stefopoulos, and then entered § 87(2)(b)’s vehicle. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

**Allegation B –Abuse of Authority: Sergeant Nikolaos Stefopoulos searched § 87(2)(b)**

**Allegation C –Abuse of Authority: Police Officer Johnny Alarcon searched § 87(2)(b)**

**Allegation D –Abuse of Authority: Sergeant Nikolaos Stefopoulos searched the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.**

§ 87(2)(b) denied exchanging any objects with § 87(2)(b) or making any physical contact with him. Neither § 87(2)(b) nor § 87(2)(b) was under the influence of drugs or alcohol during this incident. There were no objects on the driver’s seat or dashboard. § 87(2)(b) had no pill bottles, but he had two prescription pills in the money compartment of his wallet, because they were easier to carry that way. One pill was for his ADHD and the second was to prevent him from having seizures. § 87(2)(b) initially said he had no other pills, but later said he had two Excedrin pills loose in his car, but did not specify where. § 87(2)(b) did not give any pills to § 87(2)(b). When Sgt. Stefopoulos approached § 87(2)(b)’s driver’s side and PO Alarcon approached his passenger side, he recognized them as having stopped him twice in the past. Sgt. Stefopoulos immediately asked § 87(2)(b) for his license, registration, and insurance card, which § 87(2)(b) provided. § 87(2)(b) asked Sgt. Stefopoulos if he remembered him or the Detective’s Endowment Association jacket he was wearing. Sergeant Stefopoulos replied that

he did not and asked where they were going, to which § 87(2)(b) said they were going to school. Sgt. Stefopoulos and PO Alarcon then walked back to their car.

§ 87(2)(b) said that after a while Sgt. Stefopoulos returned and told § 87(2)(b) to get out. § 87(2)(b) did not see PO Alarcon, but believed he asked § 87(2)(b) to exit the car at the same time or earlier. Sgt. Stefopoulos took § 87(2)(b)'s plastic DEA packet out of his hands, which contained § 87(2)(b)'s shield wallet and DEA ID and put them on top of § 87(2)(b)'s car. Sgt. Stefopoulos then handcuffed § 87(2)(b) took his wallet out of his pocket, and put it on the front seat. § 87(2)(b) said that Sgt. Stefopoulos had no reason to go through his wallet as he already handed the sergeant his ID. Sgt. Stefopoulos then escorted § 87(2)(b) to his unmarked vehicle. Sgt. Stefopoulos lifted up § 87(2)(b)'s shirt and felt along his waistband and then sat him in the backseat of the police vehicle. At some point after being handcuffed, § 87(2)(b) asked Sgt. Stefopoulos if he wanted to call his doctor or pharmacy to confirm the legality of his pills, but he did not respond. § 87(2)(b) waited inside the police vehicle for 15 or 20 minutes. § 87(2)(b) was later told by § 87(2)(b) that, during this time, Sgt. Stefopoulos questioned § 87(2)(b) and told him that he saw him give something to § 87(2)(b). § 87(2)(b) never saw officers go into his car and never saw his trunk opened, but learned later that the officers searched his vehicle. PO Alarcon and PO Casaletto then put § 87(2)(b) into the backseat of their unmarked vehicle and transported him to the 123<sup>rd</sup> Precinct stationhouse while other officers transported § 87(2)(b). § 87(2)(b)'s original complaint was generally consistent with his CCRB interview, but he did not mention being searched at the scene. In phone call after his interview, § 87(2)(b) said that the two prescription pills and the two Excedrin pills were all inside his wallet. § 87(2)(b) also said he had one pill of each prescription (07, 08, and 13 Board Review).

§ 87(2)(b)'s phone statement was generally consistent with § 87(2)(b)'s statements, but he said that officers searched him two or three times after he was handcuffed without finding anything. § 87(2)(b) also confirmed that Sgt. Stefopoulos told him that he saw § 87(2)(b) walk up to § 87(2)(b)'s car and "do something." § 87(2)(b) told Sgt. Stefopoulos that he only tapped on the window, but Sgt. Stefopoulos said that the window was open and that § 87(2)(b) stuck his hand in the window, shook hands with § 87(2)(b) and gave him something. § 87(2)(b) denied exchanging anything with § 87(2)(b) (05 Board Review).

Sgt. Stefopoulos said after he observed § 87(2)(b)'s vehicle parked in a no standing zone he waited for the light to change to make a U-turn to summons him. § 87(2)(b)'s car to his immediate left approximately 10 feet away with § 87(2)(b)'s window directly parallel with his. While waiting, Sgt. Stefopoulos noticed § 87(2)(b) walk up to the passenger side of § 87(2)(b)'s vehicle, reach in the front passenger window, and pass an object to § 87(2)(b). § 87(2)(b) held out his hand palm up and § 87(2)(b) appeared to take the object palm down and make a clenched fist. Sgt. Stefopoulos did not see any currency exchanged and could not see the object, but based on his training and experience as a narcotics detective and the drug prone nature of the location, he identified the exchange as a drug transaction. Sgt. Stefopoulos explained that the drug prone location goes between Hylan Boulevard and Seguin Avenue to 56<sup>th</sup> Street and Seguin Avenue. Officers received numerous 311 complaints, Crime Stoppers tips, and arrests all pertaining to narcotics for that area. Sgt. Stefopoulos had personally made over 100 narcotics arrests within this drug prone area in the last two years.

Sgt. Stefopoulos said that § 87(2)(b) appeared to observe and motioned to § 87(2)(b) with a head nod. § 87(2)(b) and § 87(2)(b) then looked at Sgt. Stefopoulos nervously. Sgt. Stefopoulos thought that the reaction after observing him were suspicious since he was in uniform. § 87(2)(b) then appeared to place the object he received under him on the seat of the car. Sgt. Stefopoulos could not actually see the object or § 87(2)(b)'s hands, but suspected that he was placing an object under him based on his training and experience. § 87(2)(b) entered the vehicle after § 87(2)(b)'s movement. The light turned green and Sgt. Stefopoulos performed a U-turn and stopped § 87(2)(b)'s vehicle. Sgt. Stefopoulos's intent was only on taking enforcement action for the no-standing at this point. Sgt. Stefopoulos exited his vehicle and approached § 87(2)(b)'s vehicle with PO Beach and PO Guarino. § 87(2)(b) and § 87(2)(b) appeared nervous as Sgt. Stefopoulos approached the vehicle, but neither appeared to be under the influence of any drugs or alcohol. Sgt. Stefopoulos asked § 87(2)(b) for his license, which he provided. § 87(2)(b) asked why he was stopped and Sgt. Stefopoulos said it was because he had parked in a no-standing zone. § 87(2)(b) mentioned that § 87(2)(b). Sgt. Stefopoulos requested that § 87(2)(b) remain in his vehicle and went back to his car.

Sgt. Stefopoulos then called PO Alarcon and asked him to come and assist him. Sgt. Stefopoulos saw that § 87(2)(b)'s license was valid, but he had a narcotics history that included prior arrests for § 87(2)(b). Based on § 87(2)(b)'s and § 87(2)(b) being nervous and the actions indicative of a narcotics transaction, Sgt. Stefopoulos intended to ask § 87(2)(b) and § 87(2)(b) to exit the vehicle. Once PO Alarcon and PO Casaletto arrived, Sgt. Stefopoulos and the officers approached § 87(2)(b)'s car again. Sgt. Stefopoulos asked § 87(2)(b) to step out of the vehicle. § 87(2)(b) was not under arrest at this point. § 87(2)(b) refused and § 87(2)(b) said, "Please don't do this," which raised Sgt. Stefopoulos's suspicions. Sgt. Stefopoulos asked § 87(2)(b) to step out of the vehicle two more times and after the third time, told § 87(2)(b) that if he did not step out, he would have to take him out. § 87(2)(b) then complied. PO Alarcon asked § 87(2)(b) to step out of the vehicle and he and § 87(2)(b) were escorted to the rear of their vehicle.

Sgt. Stefopoulos observed two pills in plain view in one of the creases on § 87(2)(b)'s seat. Sgt. Stefopoulos could not remember exactly what the pills looked like, but believed one was a gel capsule and the other was a round pill. Sgt. Stefopoulos said that upon observing the pills, he determined that they were a controlled substance based on the shape and the markings, but he did not recall what specifically those were. Sgt. Stefopoulos was asked to specifically describe what markings he would be looking for on the pills and cited as examples: "A215" is Oxycodone 15Mg, while a "K9" green pill would be 50 mg and a pink pill would be 10mg; "S903" is Zaprassalan that is white rectangular, and Adderall are gel caps that are commonly orange and blue. Sgt. Stefopoulos said that based on experience he can identify pills and determine whether they are a controlled substance by the shape, color, and markings. Sgt. Stefopoulos said that at this point, he had probable cause to arrest § 87(2)(b) and § 87(2)(b). Stefopoulos asked § 87(2)(b) whether he had a prescription for any medication. § 87(2)(b) said he did, but it was at home. Sgt. Stefopoulos asked § 87(2)(b) if he had a prescription or prescription pill bottle in his vehicle. § 87(2)(b) said he did not, which Sgt. Stefopoulos said is a

misdemeanor under the public health code. Sgt. Stefopoulos believed that the two pills on the seat were Adderall and Diazepam or Clonazepam both of which are schedule two narcotics under the controlled substance act. § 87(2)(b) never disputed that the pills found were a controlled substance.

Sgt. Stefopoulos recovered the pills from the front seat and searched the vehicle with PO Alarcon incidental to possession of narcotics, including all compartments and the trunk. Sgt. Stefopoulos searched § 87(2)(b)'s wallet, which he left in the car by the gear shifter and found two white pills in his wallet, which were not a controlled substance and were not seized or vouchered. Sgt. Stefopoulos believed those two pills were Aspirin and knew they were not narcotics. Sgt. Stefopoulos then went to the rear of the vehicle and spoke to § 87(2)(b). Sgt. Stefopoulos asked § 87(2)(b) why he handed the two pills to § 87(2)(b). § 87(2)(b) said that he was not a dealer and just an addict. § 87(2)(b) said he used narcotics in the past, but was not a dealer. § 87(2)(b) and § 87(2)(b) were handcuffed and searched pursuant to a lawful arrest, although Sgt. Stefopoulos did not recall which officers searched them. Neither § 87(2)(b) nor § 87(2)(b) was searched prior to Sgt. Stefopoulos observing the pills and placing them under arrest (09 Board Review).

§ 87(2)(g) PO Alarcon said that as Sgt. Stefopoulos spoke to § 87(2)(b) he observed § 87(2)(b) reach his hand toward his pocket as though trying to put something there. PO Alarcon never saw § 87(2)(b) actually put an object in his pocket, but believed that § 87(2)(b) was trying to hide something. PO Alarcon also said that § 87(2)(b) made a statement about being a recovering drug addict while still sitting in the car. When § 87(2)(b) and § 87(2)(b) stepped out of the car, PO Alarcon observed one orange pill and one pill of an unknown color on the middle of the driver's seat, which he suspected to be a controlled substance. After they were arrested, PO Alarcon searched § 87(2)(b)'s pockets while Sgt. Stefopoulos searched § 87(2)(b)'s pockets. PO Alarcon corroborated that he searched § 87(2)(b)'s vehicle with Sgt. Stefopoulos. However, PO Alarcon said they only searched the open areas and did not go into any compartments or the trunk (06 Board Review).

PO Casaletto said that he stood in the back of § 87(2)(b)'s vehicle and did not know why § 87(2)(b) and § 87(2)(b) were asked to step out of their vehicle, only later learning that Sgt. Stefopoulos recovered narcotics. PO Casaletto also said that after the males exited the vehicle, Sgt. Stefopoulos and PO Alarcon searched the driver and front passenger seat area of the vehicle. § 87(2)(b) and § 87(2)(b) were then placed in handcuffs and searched. PO Casaletto did not remember which officers performed these searches (14 Board Review).

PO Guarino did not notice § 87(2)(b) or § 87(2)(b) prior to the stop. PO Guarino generally corroborated Sgt. Stefopoulos's statement after the stop, but added that while Sgt. Stefopoulos ran § 87(2)(b)'s ID, § 87(2)(b) was moving his torso side to side as though he was reaching into his pockets. PO Guarino also said that § 87(2)(b) appeared shaky and nervous when asked to step out of the vehicle. Sgt. Stefopoulos recovered a red pill and a blue pill that were inside a Tic Tac container on the driver's seat. Sgt. Stefopoulos later showed these pills to PO Guarino and explained that you could tell they were a controlled substance by the color and numbers on the pills (10 Board Review).



PO Beach generally corroborated PO Guarino's statement, but said that he observed § 87(2)(b) and § 87(2)(b) shaking side to side before Sgt. § 87(2)(b) first approached their vehicle (11 Board Review).

Arrest reports § 87(2)(b) and § 87(2)(b) indicated that § 87(2)(b) and § 87(2)(b) were parked in a no standing zone when they were found in possession of one Clonazepam 1mg pill imprinted "E64" and one Vyvanse 30mg pill imprinted "S489" (15 Board Review)

Except for the purpose of current use by the person for whom such a substance was prescribed or dispensed, it shall be unlawful for an ultimate user of a controlled substance to possess such substance outside of the original container in which it was dispensed. NY Administrative Code subsection 3345 (16 Board Review).

A search of a traffic offender is not authorized unless, when the vehicle is stopped, there are reasonable grounds for suspecting that the officer is in danger or there is probable cause for believing that the offender is guilty of a crime rather than merely a simple traffic infraction. People v. Marsh, 20 N.Y. 2d 98(1967). (17 Board Review).

Justification for an automobile search contemporaneous with a valid arrest arises, not only from the mobility of the automobile, or to the reduced expectation of privacy as to materials within the automobile, or both, but also from the circumstances which validate the arrest. People v. Belton, 55 N.Y. 2d 49 (1982) (18 Board Review).

The automobile exception to the warrant requirement provides that where the police have validly arrested an occupant of an automobile, and have reason to believe that the car may contain evidence related to the crime for which the occupant was arrested, the police may search the vehicle, including containers therein. People v. Carbone, 184 A.D. 2d 648 (1992) (19 Board Review).

It is undisputed that during the incident, § 87(2)(b) had possession of prescription pills, classified as a controlled substance, and did not have a prescription pill bottle or a copy of his prescription with him. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) [Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]  
[Redacted]

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Squad: 3

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date